

ASSEMBLY BILL

No. 955

Introduced by Assembly Member Wiggins

February 20, 2003

An act to amend Section 68101 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 955, as introduced, Wiggins. Courts: fines and forfeitures.

Existing law sets forth provisions governing forfeited bail or fines received by a judge. Existing law requires a judge imposing or collecting those fines or forfeitures to keep a copy of them and at least monthly to transmit a record to the county auditor, as specified.

This bill would require the judge to certify the accuracy of the records of fines and forfeitures collected by the court, as specified. The bill would also require the county auditor to only certify the accuracy of those fines or forfeitures imposed or collected by county operated entities. By requiring the county auditor to certify those records, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 68101 of the Government Code is
2 amended to read:

3 68101. Whenever ~~pursuant to law~~ the state is entitled to
4 receive any portion of any money, forfeited bail or fines received
5 by a judge of any court, that portion shall as soon as practicable
6 after the receipt thereof, be deposited with the county treasurer of
7 the county in which that court is situated, and paid, by warrant of
8 the county auditor drawn upon a requisition of the clerk or judge
9 of the court, at least once a month to the Treasurer to be deposited
10 in the State Treasury. Any remittance not made pursuant to this
11 section or Section 24353 shall be considered delinquent and
12 subject to Section 68085.

13 Any judge imposing or collecting those fines or forfeitures shall
14 keep a record of them and, at least monthly, transmit a record *and*
15 *certify the accuracy* thereof to the county auditor. *The court shall*
16 *only certify the accuracy of those fines or forfeitures collected by*
17 *the court.* The county auditor shall transmit a record of the
18 imposition, collection and payment of ~~such~~ those fines or
19 forfeitures to the Controller at the time of transmittal of each
20 warrant to the Treasurer pursuant to this section. *The county*
21 *auditor shall only certify the accuracy of those fines or forfeitures*
22 *imposed or collected by county operated entities.*

23 SEC. 2. Notwithstanding Section 17610 of the Government
24 Code, if the Commission on State Mandates determines that this
25 act contains costs mandated by the state, reimbursement to local
26 agencies and school districts for those costs shall be made pursuant
27 to Part 7 (commencing with Section 17500) of Division 4 of Title
28 2 of the Government Code. If the statewide cost of the claim for
29 reimbursement does not exceed one million dollars (\$1,000,000),
30 reimbursement shall be made from the State Mandates Claims
31 Fund.

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